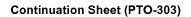
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/539,892	XU ET AL.	
Examiner	Art Unit	

	Timothy J. Henn	2622		
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress	
THE REPLY FILED <u>22 September 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appelor Continued Examination (RCE) in compliance with 37 Coperiods:	the same day as filing a Notice of a replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request	
a) The period for reply expires <u>3</u> months from the mailing date	of the final rejection.			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejectio	n.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount of hortened statutory period for reply origing than three months after the mailing date.	of the fee. The appropria nally set in the final Offic	te extension fee e action; or (2) as	
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed with AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the		
3. The proposed amendment(s) filed after a final rejection, be	out prior to the date of filing a brief	will not be entered be	callee	
(a) They raise new issues that would require further cor			cause	
(b) They raise the issue of new matter (see NOTE below		, ,		
(c) They are not deemed to place the application in bet appeal; and/or		ducing or simplifying th	ne issues for	
(d) ☐ They present additional claims without canceling a c	corresponding number of finally reje	ected claims.		
NOTE: (See 37 CFR 1.116 and 41.33(a)).				
 The amendments are not in compliance with 37 CFR 1.12 Applicant's reply has overcome the following rejection(s): 		mpliant Amendment (F	PTOL-324).	
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).		timely filed amendmer	t canceling the	
7. For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows:		l be entered and an ex	xplanation of	
Claim(s) allowed: Claim(s) objected to:				
Claim(s) rejected:				
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE				
 The affidavit or other evidence filed after a final action, bubecause applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 				
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary 	vercome <u>all</u> rejections under appea and was not earlier presented. Se	al and/or appellant fails see 37 CFR 41.33(d)(1)	s to provide a	
10.	n of the status of the claims after er	ntry is below or attache	ed.	
 The request for reconsideration has been considered but see attached. 	does NOT place the application in	condition for allowand	ce because:	
12. Note the attached Information <i>Disclosure Statement</i> (s). (13. Other:	PTO/SB/08) Paper No(s)			
	/Timothy J Henn/ Primary Examiner, Art U	Init 2622		



Application No.